

Appl. No. : 09/928,977
Filed : August 13, 2001

REMARKS

This Amendment is responsive to the Office Action issued on September 12, 2007, which rejected claims 9-14 and 41-79 under 35 U.S.C. § 101.

Summary of the Amendments

By the foregoing amendments, Applicants have canceled independent claims 9 and 41 and their respective dependent claims, and have added new claims 80-96. In addition, Applicants have made amendments to several of the pending claims, including amendments that address the rejection under 35 U.S.C. § 101. No new matter has been added.

New independent claim 86 is substantially identical to the proposed claim transmitted to Examiner Graham on January 25, 2008. New independent claim 91 recites similar limitations, but is written in system format.

Applicants submit that the claim amendments address the issues raised by Examiners Hewitt and Graham during the Examiner-initiated telephone interview conducted on December 4, 2007. Applicants also respectfully submit that all of the pending claims are patentably distinct from the Ginter patent discussed during the interview, and from the other cited art.

Status of Co-pending Applications

As previously discussed with Examiner Graham, the present application is based on substantially the same disclosure as U.S. Appl. Nos. 09/928,970 and 09/928,982. The '970 application has been allowed. The '982 application is received a first Office Action on the merits in May of 2007, and is currently being reconsidered by the Office in view of an Amendment.

Conclusion

By amending the claims, Applicants are not conceding that previously pending claims are not patentable over the cited references. Rather, the amendments and remarks are being made to facilitate expeditious prosecution of this application. Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the application's disclosure. Accordingly, reviewers of this or any child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter.

Appl. No. : 09/928,977
Filed : August 13, 2001

If any issues remain which can potentially be resolved by telephone, the Examiner is invited to call the undersigned attorney of record at this direct dial number of 949.721.2950.

Please charge any additional fees, including any additional fees for extension of time, or credit overpayment, to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: February 12, 2008

By: /RJS38297/

Ronald J. Schoenbaum
Registration No. 38,297
Attorney of Record
Customer No. 20,995
(949) 721-2950